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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

21 Cr. 446 (VSB)

5 ANDREW FRANZONE,

6 Defendant.

Conference

7  
8 New York, N.Y.  
9 March 8, 2024  
3:09 p.m.

10 Before:

11 HON. VERNON S. BRODERICK,

12 District Judge

13 APPEARANCES

14 DAMIAN WILLIAMS

15 United States Attorney for the  
Southern District of New York

16 BY: KIERSTEN A. FLETCHER, ESQ.  
Assistant United States Attorney

17 ELENA FAST, ESQ.

18 Attorney for Defendant

19 GEORGE J. VILA, ESQ.

20 Attorney for Defendant  
21 (Present Via Microsoft Teams)

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1 THE COURT: Okay. If I could ask, if we could go on  
2 the record, I'll have counsel please identify themselves for  
3 the record, beginning with the government.

4 MS. FLETCHER: Good afternoon, your Honor. Kiersten  
5 Fletcher for the government.

6 THE COURT: Okay. Good afternoon.

7 MS. FAST: Good afternoon, your Honor. For  
8 Mr. Franzone, Elena Fast.

9 THE COURT: Okay. All right. Thank you, Ms. Fast.  
10 And by Microsoft Teams.

11 MR. VILA: Good afternoon. George Vila from Miami,  
12 Florida.

13 THE COURT: Okay. Good afternoon, Mr. Vila.

14 So I had asked to have this conference. At the last  
15 conference, I believe I appointed Ms. Fast to represent,  
16 although I may not have, but what I will do is at least in the  
17 interim, since you appeared at the last conference, you may  
18 have had conversations with Mr. Franzone and done other things  
19 in between, so obviously I'll approve you for that purpose.  
20 But the principal purpose was to determine whether or not there  
21 were going to be funds forthcoming, because it's my  
22 understanding that Mr. Franzone would like to retain counsel.  
23 And so Mr. Vila, I asked that Mr. Franzone's counsel in  
24 connection with the bankruptcy proceeding also be present so I  
25 could get a sense of, you know, what the potential or potential

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1 prospect is with regard to Mr. Franzone being able to finance  
2 private representation.

3           So I don't know where necessarily to start. Perhaps,  
4 Mr. Vila, there had been some discussion about the liquidation  
5 of assets in connection with the bankruptcy that could possibly  
6 be used by Mr. Franzone in connection with retaining counsel.  
7 And so my first question was, well, (A) how likely is that, and  
8 (B) even if the monies were liquidated or the materials were  
9 liquidated, would Mr. Franzone be able to use them or would  
10 they be monies that came back to an entity that Mr. Franzone is  
11 affiliated with? I don't know whether, Mr. Vila, you're able  
12 to speak to that or not, but I'll leave it up to you, and then  
13 if not, then I will determine the next step.

14           MR. VILA: Judge, good afternoon.

15           What I can tell the Court is the following: On  
16 February 20th of this year, I entered an appearance on behalf  
17 of four entities which are part of a bankruptcy procedure here  
18 in Miami, Florida, in the Southern District of Florida. One of  
19 the entities is the general partner of the debt, okay? I've  
20 been trying to just wrap my arms around the whole case. It's a  
21 very complex procedure, complex case, very convoluted. In  
22 terms of assets, I know this: I know that the fund had  
23 invested in a company called Coreweave. It had 250,000 shares.  
24 Out of those 250,000 shares, the trustee for the bankruptcy  
25 estate sold approximately 172,000 for \$55 million. My

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1 understanding is that those \$55 million are sitting at the  
2 trustee's trust account, and are there. I have—my whole  
3 purpose of me coming into this bankruptcy procedure was  
4 basically to protect the claims that have been filed by the  
5 five entities. And that's pretty much as far as I can go. I  
6 have not done anything more than that.

7 And I'm—my background is I'm a criminal defense  
8 attorney. Because this was tied to a criminal case in New  
9 York, Mr. Franzone thought that it would be a good idea to  
10 bring someone with a criminal background to make sure things  
11 are done correctly. I'm in the process of retaining a  
12 bankruptcy lawyer to help me out with the claims on behalf of  
13 the four entities.

14 THE COURT: Okay.

15 MR. VILA: I can represent this to the Court. The  
16 investors will get more than their investments back. The fund  
17 seems not to be insolvent. To the contrary, it's done amazing  
18 because of the investment that was made in the company  
19 Coreweave.

20 THE COURT: But am I correct that Coreweave was in  
21 connection with like a tender offer or something? In other  
22 words, that there was an actual equity event that became  
23 available to the trustee that the trustee was able to take  
24 advantage of and get approval for in the bankruptcy?

25 MR. VILA: That is correct, Judge, and that's exactly

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1 what happened. However, there's still 67,000 shares there. My  
2 understanding is that this company would probably file or go  
3 public soon, and those shares would be very, very, very  
4 valuable. What the trustee intends to do, I don't know. I  
5 haven't even spoken with the trustee yet.

6 THE COURT: Okay.

7 MR. VILA: So—

8 THE COURT: All right. And because, since the last  
9 conference—I'll note just for the record, Mr. Vila, that our  
10 last conference was actually on February 20th. And so I had  
11 been led to believe that something had been in the works in  
12 terms of liquidation of funds. I did take a look at the  
13 bankruptcy court docket. It's not clear to me, but I think a  
14 number of things need to be worked out in the bankruptcy, which  
15 I understand you're now getting involved in and need to  
16 unravel. But, you know, one of the concerns I had was, I knew  
17 there were various entities that Mr. Franzone was affiliated  
18 with or controlled or what have you, and so I wasn't sure that  
19 even if the funds were forthcoming, whether or not he would be  
20 able to utilize them himself in connection with retaining  
21 counsel. In reviewing the docket, although it appeared that  
22 Mr. Franzone initially had counsel, I think when the SEC and  
23 the U.S. Attorney's Office brought their respective matters, I  
24 think it appears from the docket that counsel withdrew, and  
25 it's not clear to me from the docket—again, I only took a look

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1 at it earlier today for my brief perusal of the docket—that  
2 the trustee is in agreement that the entities that might be  
3 affiliated with Mr. Franzone would necessarily be entitled to  
4 any distribution, and I'm not sure about that. I'm not a  
5 bankruptcy lawyer. And literally I spent, you know, an hour or  
6 two just flipping through the stuff.

7 What I want to do here is move this case forward. And  
8 so, you know, based upon what I heard, it doesn't appear that  
9 any funds are imminently available. The trial has been  
10 scheduled for a while for June. I had indicated previously  
11 that I wanted to hold that date so that any counsel who came in  
12 should be prepared to try the case on that date, or close to  
13 it, because I know, Ms. Fast, you had a professional obligation  
14 around that time so that we might need to move the case a week  
15 or two earlier, I think.

16 So what I would suggest—and then I'll hear from the  
17 parties—what I'd like to do is appoint Ms. Fast to represent  
18 Mr. Franzone, with the idea that Ms. Fast would be  
19 Mr. Franzone's lawyer. If that's something that, for whatever  
20 reason, is something that can't happen, I'd like to know that,  
21 because it doesn't appear as if—and if I'm wrong about the  
22 ability of Mr. Franzone to retain counsel, then I'd like to  
23 know that also, because there may be other funds that aren't  
24 necessarily tied up with the bankruptcy that could be  
25 available. So that's my intention, so that we can move this

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1 case along. So Ms. Fast, I don't know whether you can, whether  
2 you've had any conversations, whether you can add anything to  
3 this, but I'll hear from you now.

4 MS. FAST: Yes, your Honor. Thank you.

5 THE COURT: If I could ask you to pull the microphone  
6 a little closer.

7 There you go. Thank you.

8 MS. FAST: So Mr. Vila was recently retained by  
9 Mr. Franzone. He's a private lawyer. There's no CJA in  
10 bankruptcy proceedings, as the Court is aware.

11 THE COURT: Yes.

12 MS. FAST: I've spoken with Mr. Franzone on several  
13 occasions. He tells me there is funds available that are not  
14 coming from any legal actions, that would be put up by a third  
15 party to retain private criminal counsel on Mr. Franzone's  
16 behalf. The issue that is happening with the trial being in  
17 June is Mr. Franzone is being quoted two different fees for  
18 when the case proceeds to trial, and the June trial date is  
19 about triple or double the fee that would be quoted versus had  
20 the case gone to trial later in the year. And Mr. Franzone  
21 does have the ability to retain the counsel of his choice if  
22 the trial is pushed back and not quoted at the double or triple  
23 the multiple.

24 THE COURT: Okay. Let me ask Ms. Fast, have you had  
25 an opportunity to speak with this lawyer, or these lawyers?

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1 MS. FAST: I have not, your Honor. I'm relying on the  
2 client's representation.

3 THE COURT: Okay. Do you know who they are?

4 MS. FAST: Yes. I believe it's Mr. Corozzo, who  
5 previously entered a notice of appearance in the case.

6 THE COURT: Oh, Mr. Corozzo did in fact file pretrial  
7 motions. In fact, I think Mr. Corozzo was Mr. Franzone's  
8 attorney, I don't know for how long, but enough time that he  
9 actually had a substantive involvement in the case.

10 MS. FAST: Yes, your Honor. And if I may add, it's my  
11 understanding that Mr. Corozzo's mother passed away this week  
12 and her funeral is scheduled for Saturday, so neither  
13 Mr. Franzone nor myself thought it was appropriate to have  
14 conversations about retention this week.

15 THE COURT: No. I think that's fine. But what I want  
16 to do is get to the bottom of what's going on, because a couple  
17 of things. As we all know, you know, being able to retain  
18 counsel, a criminal lawyer, doesn't mean that you're going to  
19 be able to continue to have that lawyer represent you. If  
20 Mr. Corozzo is representing—and again, I don't want to get  
21 into sort of the nature of the retention, but if he's  
22 representing that for X, he will basically represent  
23 Mr. Franzone through trial, okay, as opposed to, you give me a  
24 retainer and I'll represent you and then you'll pay me a little  
25 bit more, because I think that may have been what happened



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1 previously, where I relieved Mr. Corozzo as counsel. So I  
2 think that what I would need, quite frankly, is to hear  
3 something sort of definitive, because it wouldn't do  
4 Mr. Franzone any good if he has an attorney of his choice and  
5 that attorney only lasts until, you know, right before trial.

6 MS. FAST: Understood, your Honor.

7 THE COURT: And Ms. Fast, I think this is our first  
8 case together—

9 MS. FAST: Yes, your Honor.

10 THE COURT: —but I can tell you, my experience with  
11 the Criminal Justice Act lawyers is that they are of the  
12 highest quality in representing clients in criminal matters in  
13 this court. And I'm not saying, Mr. Franzone, that Mr. Corozzo  
14 isn't. I have not had Mr. Corozzo in my courtroom except for  
15 the filing of the motions, and they seem all to be  
16 professionally done, so I'm not in any way commenting on that.  
17 I'm just saying, I want to move this case forward.

18 So, Ms. Fast, the first question is: Are you saying  
19 that with regard to the earlier trial that the finances that  
20 Mr. Franzone has would not cover that? I'm just trying to  
21 figure out what actually is going on here, quite frankly.

22 MS. FAST: Yes, your Honor. My understanding—and  
23 this is based on my conversations with Mr. Franzone—is that  
24 the trial has different fees associated with it, and it's based  
25 on the attorney's need to put aside his other cases and

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1 prioritize this matter over everything else his firm has going  
2 on.

3 THE COURT: Okay.

4 MS. FAST: So the June trial date, if that's the date  
5 that stays, would not be feasible for retained counsel to do  
6 solely because Mr. Franzone is unable to afford this premium  
7 double or triple fee—

8 THE COURT: Sure.

9 MS. FAST: —for the case to go in June.

10 THE COURT: Okay. All right. Look, I think what  
11 makes sense is, Ms. Fast, I'm still appointing you, and so the  
12 time that you spent on the matter, you should obviously submit  
13 your vouchers. But I do think it makes sense for me to hear  
14 again from Mr. Corozzo concerning this, because, again, my  
15 concern is that Mr. Corozzo will come in, and again, I don't  
16 typically get involved in any way, shape, or form with regard  
17 to an attorney and their retention and the like, but in  
18 particular Mr. Corozzo has been in this case and then was  
19 relieved, and now he may be coming back, so I feel it's  
20 incumbent upon me to figure out whether he's in it for the long  
21 haul—in other words, whether there's financing for him to be  
22 in it for the long haul or we're just talking about a  
23 retention. And I know that you haven't been in touch with  
24 Mr. Corozzo, but I would want to hear from him about that. And  
25 I'll have to think about how much detail I get into with regard

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1 to the retention because my aim, my main aim is to make sure  
2 that Mr. Franzone has counsel and that counsel will be able to  
3 be prepared for trial rather than having the case move in sort  
4 of fits and starts.

5 So I'll issue an order. And I don't believe, since I  
6 relieved Mr. Corozzo, that he's continued to receive ECF  
7 notifications, but I was going to put it over for a week. I  
8 could put it over for two weeks. I just don't know what  
9 Mr. Corozzo's situation is.

10 Why don't we do this. I don't know what his schedule  
11 is like, but I will put it over for two weeks. We'll put it  
12 over for Friday, whatever that date in March is.

13 THE DEPUTY CLERK: 22nd.

14 THE COURT: 22nd at 3 p.m., at which time I'd like  
15 Mr. Corozzo to be present. And again, obviously, if he has  
16 other obligations, we can move that earlier in the week as  
17 needed.

18 Mr. Vila, obviously you can continue the process that  
19 you've undertaken in terms of the bankruptcy. And you're  
20 absolutely right. I mean, there are 681 entries in the  
21 bankruptcy. So I completely understand what you're saying in  
22 terms of—if that's a measure of complexity, that's one  
23 measure. Also, there are a number of different entities that  
24 are involved. So I'll leave that to you, and if there's a  
25 bankruptcy lawyer retained to, you know, go through that, to

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1 figure that out, or to speak to the trustee to figure out where  
2 things stand. But I do want to move this case forward.

3 So I'll put this over until Friday, March 22nd, at  
4 3 p.m. I'd ask Ms. Fast, again, if I could ask you to make  
5 sure that Mr. Corozzo gets the notification.

6 MS. FAST: Yes, your Honor. Thank you.

7 THE COURT: And in the interim, I'm not sure if I need  
8 to fill out paperwork to appoint you, but I will appoint you  
9 *nunc pro tunc*, dating back to previous to that.

10 And Ms. Fletcher, yes. You were rising.

11 MS. FLETCHER: Yes, your Honor. Just to maybe make a  
12 couple of points and seek clarification from the Court.

13 THE COURT: Yes.

14 MS. FLETCHER: As I think your Honor knows—and the  
15 government shares the Court's view that this case needs to move  
16 forward. This case has been pending since early 2021. Your  
17 Honor set the June trial date last September.

18 THE COURT: Yup.

19 MS. FLETCHER: And the issues surrounding  
20 Mr. Franzone's desire to/wish to/ability to/inability to retain  
21 counsel have been going on since November. We are I think  
22 getting to the point where, if there's any uncertainty about  
23 who his counsel is, there may be a real issue with keeping the  
24 trial date. I think we are probably now at the point where,  
25 were Ms. Fast to be his lawyer, we would start talking about

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1 whether there's a pretrial disposition we could reach, what  
2 type of pretrial disclosure deadlines we might have mutually  
3 agreed to and propose to the Court. And so the point of  
4 clarification, your Honor, is, is your Honor's present  
5 intention to keep the June trial date and to move it up to  
6 accommodate Ms. Fast in the event that Mr. Corozzo does not  
7 come in? Or—

8 THE COURT: Oh, the answer would be yes, unless  
9 there's a reason that I shouldn't do that. And again,  
10 Ms. Fast, I don't recall, but I thought that you had a trial  
11 obligation in July or—and I don't remember. But look, I will  
12 take my cue from the parties. Mr. Franzone is at liberty. I  
13 do want to move this case forward, to be quite frank. I'm  
14 somewhat troubled by this bouncing around of counsel. I think  
15 based upon my reading of the bankruptcy docket that there isn't  
16 a prospect in the short term of any funds coming from the  
17 bankruptcy, which I thought might be the prospect.

18 So Ms. Fletcher, I would want to try and keep the June  
19 date, but I really want to hear from Mr. Corozzo. I guess my  
20 initial intention was, yes, if Mr. Corozzo doesn't come in, I  
21 would like Ms. Fast to do that, unless she can't, in other  
22 words, just based upon her schedule.

23 MS. FLETCHER: So, your Honor, well, first of all,  
24 with respect to the bankruptcy proceeding, I am also not a  
25 bankruptcy lawyer, but I share your Honor's conclusion that

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1 there is at most significant uncertainty about whether funds  
2 are to be forthcoming from the bankruptcy proceeding, and so I  
3 would agree that it's not wise to count on those funds in  
4 assessing whether Mr. Franzone is or is not going to be able to  
5 retain counsel.

6 My understanding from the last proceeding—which I was  
7 not present for but my colleague attended—was that Ms. Fast  
8 was available to do a trial in June but not on June 10th, which  
9 is I think the date we've currently set for trial, but that she  
10 would be available June 3rd. And so if the Court is inclined  
11 to keep that date, what the government would propose is that  
12 that date be set as the trial date, and if Mr. Corozzo is  
13 retained and comes in, that he be prepared to proceed on that  
14 date, unless the Court is advised of facts that the Court  
15 doesn't currently have. And with that date, I think the  
16 government will be able, either in consultation with Ms. Fast  
17 or in consultation with Ms. Fast and Mr. Corozzo, discuss what  
18 a pretrial disclosure schedule might look like and discuss  
19 whether there's any possibility of a disposition here. We're  
20 somewhat powerless to do that and have been somewhat powerless  
21 to do that for some time, given the fluctuating counsel.

22 THE COURT: Yes. So let me ask first, Ms. Fast,  
23 June 3rd, is that still something that you can do in light of  
24 your professional obligations and otherwise?

25 MS. FAST: Your Honor, I'm available to start on

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1 June 3rd, but I think the better question is will I be ready to  
2 proceed. The discovery in this case, to inform your Honor, is  
3 412,000 documents. Ms. Colson and I have spoken. We prepare  
4 for trial very differently. All the files are in what's called  
5 a Casepoint, where everything is electronic and you can insert  
6 tabs and mark what's relevant, what's important. I'm a tabber.  
7 Ms. Colson is not. So when I got the shared drive from her,  
8 there was absolutely nothing in the documents that identified  
9 what I should be focusing my efforts on. And the government  
10 has been very kind to offer me their best "hits" as to what is  
11 the best evidence against Mr. Franzone, but the issue I have is  
12 I don't understand enough about the case without actually  
13 sitting down and going through the discovery and developing a  
14 defense. And Ms. Colson has been very generous with her time  
15 and what she's told me about the case, and I do believe she can  
16 get me up to speed, but it would be her assessment of the case  
17 and not my assessment. And what I don't want to do is to  
18 commit to the Court that I'll be ready to go and then not do a  
19 phenomenal job on Mr. Franzone's behalf because I don't have  
20 the time to actually review everything properly.

21 THE COURT: Sure. And what I'll say is, obviously, it  
22 should be your assessment, if you're Mr. Franzone's lawyer.  
23 But let me ask then the second question, which is, you are now,  
24 from my perspective, Mr. Franzone's lawyer. Mr. Corozzo hasn't  
25 filed a notice, you know, no one has, but the question I have

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1 is whether you would be authorized—

2 And Ms. Fletcher, to your point, no, it sounds like  
3 June, even if Ms. Fast can stay in, based upon what I've heard,  
4 that I would have concern with going forward on that date. So  
5 that date is going to slip. I don't know to where. And  
6 Ms. Fast, I don't know whether you've had an opportunity to  
7 speak to Mr. Franzone about whether you have the authority to  
8 engage in discussions with the government concerning—and  
9 again, the pretrial submissions, obviously that's something  
10 that I think we can put on the back burner, but with regard to  
11 potential dispositions, I think that's something that, you  
12 know, I'd like to move forward on, because that will decide  
13 obviously whether and when a trial might be. So Ms. Fast, I  
14 understand what you're saying, and I'm not going to put you in  
15 a position where you have concerns about your own ability to  
16 assess the case yourself in terms of what that means, and it  
17 may mean you still need time to do that to fruitfully engage  
18 the government in any plea discussions. But my view is you're  
19 Mr. Franzone's attorney right now. But until we meet with  
20 Mr. Corozzo, I don't know what is going to come of that. Well,  
21 this is what I'll say. It's two weeks. The trial is not going  
22 to be in June based upon what I've heard, Ms. Fast. And again,  
23 I don't know what exactly the differential is, but at least  
24 from what I'm hearing—but I'll have to hear from  
25 Mr. Corozzo—is that if it's pushed out, that there would be



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1 funds available for Mr. Corozzo to come in, try the case.  
2 That's what I'm hearing. I'm not sure that that's necessarily  
3 the case, quite frankly. I think what may be going on is there  
4 may be money for a retention but there may not be any money  
5 thereafter, and there may be promises of money, but that may  
6 not be, just because of what has happened so far. And the  
7 trial had been scheduled for over a year. And so I recognize,  
8 though, that it's not going to be in June, no matter what, it  
9 seems like. Well, no, not it seems like. It's not going to be  
10 in June.

11 But Ms. Fletcher, you were rising to say something.

12 MS. FLETCHER: Now that your Honor has made clear that  
13 the trial is not going to be in June, the government was going  
14 to inquire as to when the Court might next have availability so  
15 that to the extent Mr. Corozzo is going to come in, we could  
16 discuss dates and terms amongst ourselves before the next  
17 conference.

18 THE COURT: Sure. Monday, November 4th, or Tuesday,  
19 November 12th.

20 MS. FLETCHER: Both fine for the government. But we  
21 can discuss that with—

22 THE COURT: Yes. And look, you know, in looking at my  
23 trial calendar, I've got trials scheduled during the summer,  
24 and I think that sounds like it would be too soon anyway, so  
25 that's why we settled on those dates. So that's something to

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1 focus on with Mr. Corozzo. And I don't know whether, Ms. Fast,  
2 you know your schedule out that far, or do you know whether  
3 you're available during that time frame?

4 MS. FAST: I don't think I have any conflicts, your  
5 Honor. I'll certainly speak with the government and hopefully  
6 get in touch with Mr. Corozzo and get his availability if he's  
7 coming in.

8 THE COURT: Okay. All right. So let's plan on coming  
9 back on March 22nd. And I think I have excluded time through  
10 the trial, which was June 10th, so why don't we keep that  
11 exclusion right now, with the understanding that trial date is  
12 still something that's on the calendar. But in any event, in  
13 light of the circumstances, I would exclude the time anyway,  
14 between now and certainly March 22nd, from the time within  
15 which Mr. Franzone would have to be brought to trial. And of  
16 course that time is necessary so we can figure out counsel  
17 representation as well as the issue of the motions, as I had  
18 mentioned during our last conference. But we'll come back at  
19 3:00 on the 22nd, at which time I'm going to want to inquire in  
20 all likelihood about—not necessarily any detail about what the  
21 fees might be, but whether or not we're talking about a  
22 retention that includes basically through trial or whether  
23 we're talking that monies will be paid in installments, in  
24 which case I would have some further questions about whether  
25 there are going to be really the funds needed to actually try

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1 the case in November.

2 Let me ask, is there anything else that we should  
3 discuss today?

4 MS. FLETCHER: Your Honor, the only other open item  
5 from the last conference that I was made aware of is that I  
6 believe there was a discussion about the pending motions and  
7 the desire on behalf of Mr. Franzone to make an additional  
8 submission.

9 THE COURT: That's right. Yes. I think I had  
10 mentioned, because I don't know what the nature of that motion  
11 is, I think I had suggested that perhaps Mr. Franzone's  
12 counsel—Ms. Fast, since you're, again, his attorney, I don't  
13 know whether Mr. Franzone has shared with you the motion or  
14 not?

15 MS. FAST: I've seen the supplement, your Honor.

16 THE COURT: Okay. All right. So I'd ask that you  
17 discuss with Mr. Franzone the nature of that motion and  
18 whatever your views are in connection with that and to  
19 determine whether you believe that's something that, as his  
20 attorney, you would file.

21 Yes.

22 MS. FLETCHER: I'm sorry, your Honor, I keep standing  
23 seeking clarification. Just so I understand, is this a new  
24 motion or is it a supplement to the existing motions to  
25 suppress?

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1           THE COURT: I don't know. I mean, Ms. Fast described  
2 it as a supplement, but that could mean supplement meaning an  
3 additional motion as opposed to supplementing a prior motion.

4           Ms. Fast, is it a new—and by new, I mean a new legal  
5 theory, in other words, not dealing with the search warrants?

6           MS. FAST: Your Honor, I believe it addresses the  
7 search warrants. And speaking with Ms. Colson, I believe your  
8 Honor proposed a set of questions that your Honor sought  
9 answers to, and I believe these are the answers to your Honor's  
10 questions.

11          THE COURT: I see. Yes. Well, it didn't escape me  
12 that there were certain questions that I had asked for which I  
13 didn't get responses to. So that's helpful in terms of what  
14 that would be. So I still think, Ms. Fast, as Mr. Franzone's  
15 attorney, you should review it and come to your own assessment  
16 and speak with Mr. Franzone about that, and that will be  
17 another topic that we'll discuss at the next conference.

18          So a couple of things. I think, number one, were  
19 Mr. Franzone to submit this on his own, there's clearly a  
20 difference between, you know, a client submitting something, in  
21 particular when they're represented. Quite frankly, if you're  
22 represented, I wouldn't allow for a defendant to do that. But  
23 there I think would be implications for Mr. Franzone were he  
24 just to submit something in writing that later on certainly  
25 could be used, you know, in connection with the trial. But in

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1 any event, I don't know exactly what those things are. The  
2 questions I was asking were certainly substantive and some  
3 specific, with regard to what things were going on, so, you  
4 know, I'll leave, Ms. Fast, that to you and to Mr. Franzone to  
5 discuss and then we'll reconvene. But it is helpful to know  
6 that it merely is sort of literally a supplementation, in other  
7 words, responding to questions I had with regard to the pending  
8 motion as opposed to a new motion.

9 Okay. Anything else from the government?

10 MS. FLETCHER: No, your Honor. Thank you.

11 THE COURT: All right. Anything, Ms. Fast?

12 MS. FAST: No, your Honor. Thank you.

13 THE COURT: All right. Mr. Vila, anything from  
14 Florida?

15 MR. VILA: Your Honor, do you want me to be back on  
16 the 22nd for that hearing or—

17 THE COURT: You know, Mr. Vila, it may make sense just  
18 so we can close the loop on any issues relating to the  
19 bankruptcy. If there is any movement down there, I just want  
20 to close that out. I'm not saying there needs to be any  
21 movement, I'm not saying that I need to have any additional  
22 clarity, because I think I'm going a different way, because  
23 from my assessment, unless something is pointed to me to show  
24 that there's going to be funds that are going to be coming out  
25 of the bankruptcy, sort of imminently, because there may be a

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1 situation where the distribution to any of the folks who are  
2 entitled to get money may not be for a while, even though they  
3 have the \$55 million and I think I read that the other shares  
4 may be worth as much as \$20 million or something like that,  
5 that money may not—

6 MR. VILA: Well, you can—

7 THE COURT: That money may not be distributed for I  
8 don't know how long, and I haven't looked at what the plan is.  
9 And I don't want to get into that. But if you have some  
10 additional information concerning distribution date and  
11 entitlement of any of the entities that you represent that  
12 might result in Mr. Franzone getting funds, I'll hear from you.  
13 So if you could appear, I would appreciate it. And we will  
14 send you another Microsoft Teams dial-in information on that.  
15 All right?

16 MR. VILA: Perfect. That's no problem.

17 THE COURT: All right.

18 MR. VILA: Great.

19 THE COURT: Well, thank you, everyone. We made some  
20 progress. All right. Thank you very much. We'll stand  
21 adjourned.

22 MS. FAST: Thank you.

23 MS. FLETCHER: Thank you, your Honor.

24 MR. VILA: Thank you.

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